

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Billy Lee Lisenby, Jr., a/k/a Malik Al-)	C/A No.: 1:10-2687-DCN-SVH
Shabazz,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden Levern Cohen,)	
)	
Respondent.)	
)	

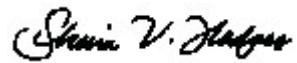
Petitioner, proceeding pro se, brought this action pursuant to 28 U.S.C. § 2254.

Respondent filed a motion for summary judgment on August 5, 2011. [Entry #30]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on August 8, 2011, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response. [Entry #32]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion.

On September 13, 2011, the court ordered Petitioner to advise whether he wished to continue with the case by September 27, 2011. [Entry #35]. Although Petitioner has filed no response, he filed a notice of change of address. [Entry #38]. It appears to the court from Petitioner's failure to respond that he does not oppose the motion for summary judgment and wishes to abandon this action. However, in light of Petitioner's change of

address and in an abundance of caution, it is ordered that Petitioner's deadline to advise the court as to whether he wishes to continue with this case and to file a response to Respondent's motion for summary judgment is extended until October 12, 2011. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



September 28, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge